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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DOE, Individually And On Behalf Of All Others
Similarly Situated,

Plaintiff,

vs.

NETWORK SOLUTIONS, LLC
Defendant.

) Case No. 07-5115 JSW

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1 NOTICE OF MOTION AND MOTION TO FILE DOCUMENT UNDER SEAL.
 2 TO DEFENDANT AND ITS ATTORNEYS OF RECORD:

3 Please take notice that pursuant to Northern District of California Civil Local Rules 7-11,
 4 79-5, Plaintiff hereby moves the Court for an Order allowing him to file under seal the
 5 following:

6 DECLARATION OF PLAINTIFF IN OPPOSITION TO DEFENDANT’S MOTIONS
 7 TO DISMISS

8 This motion is based on the memorandum and declaration of Seth A. Safier (“Safier
 9 Decl.”) that follow and all the pleadings and papers in the Court file.

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 The local rules permit a party, upon court order, to file under seal information that is
 12 “privileged or protectable as a trade secret or otherwise entitled to protection under the law.”
 13 Civil Local Rule 79-5. As this case is being prosecuted by a “DOE” plaintiff, he seeks to file
 14 under seal his declaration. (Specifically, he has redacted from that declaration only his name.)

15 Many federal courts, including the Ninth Circuit, have permitted parties to proceed
 16 anonymously when special circumstances justify secrecy. *See, e.g., Doe v. Advanced Textile*
 17 *Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) *citing Doe v. Madison School Dist. No. 321*, 147
 18 F.3d 832, 833 n.1 (9th Cir. 1998), *vacated on other grounds*, 177 F.3d 789 (9th Cir. 1999) (en
 19 banc); *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997);
 20 *James v. Jacobson*, 6 F.3d 233, 239 (4th Cir. 1993); *Doe v. INS*, 867 F.2d 285, 286 n.1 (6th Cir.
 21 1989); *Moe v. Dinkins*, 533 F. Supp. 623, 627 (S.D.N.Y. 1981), *aff’d*, 669 F.2d 67 (2d Cir.
 22 1982).¹ Parties are permitted to use fictitious names “when nondisclosure of the party’s identity
 23 ‘is necessary . . . to protect a person from harassment, injury, ridicule or personal
 24 embarrassment.’” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th
 25 Cir. 2000) *citing United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981). Plaintiff asserts

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 27 ¹ The Supreme Court has implicitly endorsed the use of pseudonyms to protect plaintiffs’
 28 privacy. *See Roe v. Wade*, 410 U.S. 113, 35 L. Ed. 2d 147, 93 S. Ct. 705 (1973) (abortion); *Doe*
v. Bolton, 410 U.S. 179 (1973) (abortion); *Poe v. Ullman*, 367 U.S. 497 (1961) (birth control).

1 that sealing this document is necessary to protect Plaintiff from harassment, injury, ridicule or
2 personal embarrassment.

3 Dated: December 14, 2007

GUTRIDE SAFIER REESE LLP

4 By: /s/ Seth A. Safier

5 Adam J. Gutride

Seth A. Safier

6 Kate J. Stoia

835 Douglass Street

7 San Francisco, California 94119

8 **SUPPORTING DECLARATION**

9 I, SETH A. SAFIER, declare as follows:

10 1. I am an attorney licensed to practice law in the State of California and admitted to
11 practice before this Court, and am a partner of the law firm Gutride Safier LLP. I have personal
12 knowledge of the facts stated herein and, if called as a witness, I could and would competently
13 testify thereto.

14 2. The document described in this motion contains information that reveals the
15 Plaintiff's identity. Accordingly, I have filed it under seal in an effort to protect Plaintiff from
16 harassment, injury, ridicule or personal embarrassment.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this
18 14th day of December, 2007, at San Francisco, California.

19
20 /s/ Seth A. Safier

21 SETH A. SAFIER